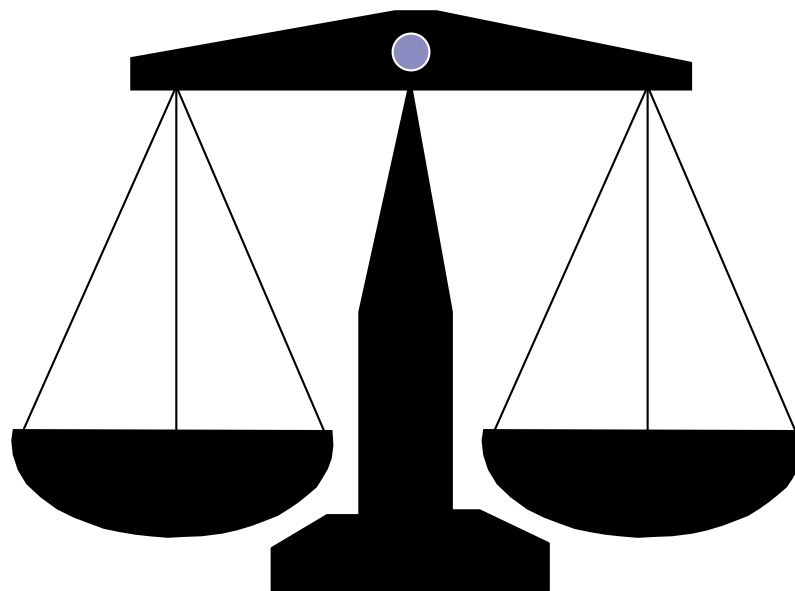


OFFICE OF GOVERNMENT ETHICS

STANDARDS OF ETHICAL CONDUCT



SOURCES

- **CRIMINAL STATUTES IN TITLE 18, UNITED STATES CODE**
- **EXECUTIVE ORDER 12674**
- **OFFICE OF GOVERNMENT ETHICS, STANDARDS OF CONDUCT**
- **DOD JOINT ETHICS REGULATION**

APPLICABILITY OF THE STANDARDS OF CONDUCT

- **MILITARY PERSONNEL**
 - **OFFICER AND ENLISTED**
 - **REGULAR AND RESERVE**
- **CIVILIAN PERSONNEL**
- **IN SOME INSTANCES, RETIRED OR FORMER EMPLOYEES**

ENFORCEMENT

- **CRIMINAL PROSECUTIONS UNDER TITLE 18,
UNITED STATES CODE**
- **COURT-MARTIAL OR NONJUDICIAL
PUNISHMENT**
 - **VIOLATION OF A LAWFUL GENERAL ORDER**
- **ADMINISTRATIVE ACTION, SUCH AS
REPRIMAND OR TERMINATION**
- **CIVIL PENALTY**

GENERAL PROVISIONS

- **EMPLOYEE**
- **ETHICS COUNSELOR**
- **THE DEPARTMENT OF THE NAVY'S
DESIGNATED AGENCY ETHICS OFFICIAL IS
THE GENERAL COUNSEL**

GENERAL PROVISIONS

- **PUBLIC SERVICE IS A PUBLIC TRUST**
- **NO USE OF PUBLIC OFFICE FOR PRIVATE GAIN**
- **NO PREFERENTIAL TREATMENT TO ANY PRIVATE ORGANIZATION OR INDIVIDUAL**
- **NO KNOWING UNAUTHORIZED COMMITMENT OR PROMISE THAT BINDS THE GOVERNMENT**
- **NO MISUSE OF GOVERNMENT PROPERTY OR RESOURCES**
- **EMPLOYEES MUST DISCLOSE FRAUD, WASTE, ABUSE, AND CORRUPTION**
- **NO MISUSE OF NONPUBLIC INFORMATION**

GENERAL PROVISIONS

- **EMPLOYEES MUST AVOID CREATING THE “APPEARANCE” OF VIOLATING ANY ETHICAL STANDARD**
 - **“APPEARANCE” IS DETERMINED FROM THE PERSPECTIVE OF A REASONABLE PERSON WITH KNOWLEDGE OF THE RELEVANT FACTS**
- **NO DISCIPLINARY ACTION IF ADVICE OF ETHICS OFFICIALS FOLLOWED**
- **NO ATTORNEY-CLIENT PRIVILEGE**

GIFTS FROM OUTSIDE SOURCES

- **BASIC PROHIBITION--AN EMPLOYEE CANNOT SOLICIT OR ACCEPT, DIRECTLY OR INDIRECTLY, GIFTS:**
 - FROM PROHIBITED SOURCES; OR
 - GIVEN BECAUSE OF AN EMPLOYEE'S OFFICIAL POSITION
- **PROHIBITED ARE GIFTS GIVEN WITH HIS OR HER KNOWLEDGE TO:**
 - PARENT; SIBLING; SPOUSE; CHILD; DEPENDENT RELATIVE; OR DESIGNEE

GIFTS FROM OUTSIDE SOURCES

- **“PROHIBITED SOURCE” MEANS ANY PERSON OR ENTITY:**
 - **SEEKING OFFICIAL ACTION BY THE EMPLOYEE’S AGENCY**
 - **DOING OR SEEKING TO DO BUSINESS WITH THE EMPLOYEE’S AGENCY**
 - **REGULATED BY THE EMPLOYEE’S AGENCY**
 - **SUBSTANTIALLY AFFECTED BY THE EMPLOYEE’S OFFICIAL DUTIES**
 - **A MAJORITY OF WHOSE MEMBERS FIT INTO ONE OR MORE OF THESE CATEGORIES**

GIFTS FROM OUTSIDE SOURCES

- **GIFTS INCLUDE ANY ITEMS HAVING MONETARY VALUE.**
- **EXCLUDED ARE THE FOLLOWING ITEMS:**
 - **GREETING CARDS AND PLAQUES.**
 - **COFFEE AND DONUTS BUT NOT FULL MEALS.**
 - **OPPORTUNITIES AND BENEFITS, E.G., DISCOUNTS AVAILABLE TO THE PUBLIC, TO ALL GOVERNMENT EMPLOYEES, OR TO ALL MILITARY PERSONNEL.**
 - **REWARDS AND PRIZES IN CONTESTS OPEN TO THE PUBLIC.**
 - **PENSION PLANS FROM A FORMER EMPLOYER.**
 - **ANYTHING FOR WHICH THE EMPLOYEE PAYS FAIR MARKET VALUE.**

EXCEPTIONS

- **GIFTS OF \$20 OR LESS PER OCCASION. AGGREGATE VALUE FROM ANY ONE SOURCE CANNOT EXCEED \$50 IN A CALENDAR YEAR.**
- **GIFTS MOTIVATED BY A PERSONAL OR FAMILY RELATIONSHIP.**
- **AWARDS MERITORIOUS PUBLIC SERVICE OR ACHIEVEMENT.**
 - **NONCASH ITEMS \$200 OR LESS**
 - **AN ETHICS COUNSELOR MUST APPROVE AWARDS OF CASH OR ITEMS WORTH MORE THAN \$200.**

EXCEPTIONS

- **CERTAIN DISCOUNTS AND SIMILAR BENEFITS, SUCH AS THOSE:**
 - **OFFERED TO GROUPS IN WHICH MEMBERSHIP IS NOT RELATED TO AN EMPLOYEE'S GOVERNMENT STATUS; OR**
 - **OFFERED TO GROUPS IN WHICH MEMBERSHIP IS RELATED TO GOVERNMENT STATUS, BUT THE SAME OFFER IS BROADLY AVAILABLE TO THE PUBLIC THROUGH SIMILAR GROUPS.**

EXCEPTIONS

- **GIFTS RESULTING FROM THE OUTSIDE BUSINESS ACTIVITIES OF EMPLOYEES AND THEIR SPOUSES**
- **FREE ATTENDANCE PROVIDED BY THE SPONSOR OF AN EVENT FOR THE DAY ON WHICH AN EMPLOYEE IS SPEAKING OR PRESENTING INFORMATION**
- **FREE ATTENDANCE PROVIDED BY THE SPONSOR OF A WIDELY-ATTENDED GATHERING OF MUTUAL INTEREST TO A NUMBER OF PARTIES**
 - **DETERMINATION OF AGENCY INTEREST**
 - **ON EMPLOYEE'S OWN TIME**

LIMITATIONS ON THE USE OF THE GIFT EXCEPTIONS

- **NOTWITHSTANDING THE EXCEPTIONS, AN EMPLOYEE SHALL NOT:**
 - **ACCEPT A GIFT IN RETURN FOR BEING INFLUENCED IN THE PERFORMANCE OF OFFICIAL DUTIES**
 - **SOLICIT OR COERCE THE OFFERING OF A GIFT**
 - **ACCEPT GIFTS FROM THE SAME OR DIFFERENT SOURCES ON A BASIS SO FREQUENT AS TO RAISE AN APPEARANCE OF USE OF PUBLIC OFFICE FOR PRIVATE GAIN**

PROPER DISPOSITION OF PROHIBITED GIFTS

- **RETURN THE GIFT OR PAY ITS RETAIL OR FACE VALUE**
- **PERISHABLE ITEMS (FOOD ITEMS OR FLOWERS) MAY BE GIVEN TO A CHARITY, SHARED WITHIN RECIPIENT'S OFFICE, OR DESTROYED**
- **SUBSEQUENT RECIPROICATION NOT ALLOWED**

CONFLICTING FINANCIAL INTERESTS

AN EMPLOYEE IS PROHIBITED BY CRIMINAL LAW FROM PARTICIPATING PERSONALLY AND SUBSTANTIALLY IN AN OFFICIAL CAPACITY IN ANY PARTICULAR MATTER IN WHICH HIS KNOWLEDGE HE, OR ANY PERSON WHOSE INTERESTS ARE “IMPUTED” TO HIM, HAS A FINANCIAL INTEREST

CONFLICTING FINANCIAL INTERESTS

- **IMPUTED FINANCIAL INTERESTS INCLUDE THOSE OF:**
 - A SPOUSE;
 - A MINOR CHILD;
 - A GENERAL PARTNER;
 - AN ORGANIZATION WHICH THE EMPLOYEE SERVES AS OFFICER, DIRECTOR, TRUSTEE, GENERAL PARTNER, OR EMPLOYEE; OR
 - A PERSON OR ENTITY WITH WHOM THE EMPLOYEE IS NEGOTIATING OR HAS AN ARRANGEMENT CONCERNING PROSPECTIVE EMPLOYMENT.
- **DISQUALIFICATION: NOTIFICATION AND DOCUMENTATION.**

IMPARTIALITY IN PERFORMING OFFICIAL DUTIES

- **IF AN EMPLOYEE DETERMINES THAT A REASONABLE PERSON WITH KNOWLEDGE OF RELEVANT FACTS WOULD QUESTION HIS OR HER IMPARTIALITY IN A PARTICULAR MATTER INVOLVING SPECIFIC PARTIES WHICH**
 - **WILL AFFECT THE FINANCIAL INTEREST OF A MEMBER OF HIS OR HER HOUSEHOLD, OR**
 - **INVOLVES A PERSON WITH WHOM HE OR SHE HAS A “COVERED RELATIONSHIP”**
- **THEN HE OR SHE SHALL DISQUALIFY HIMSELF OR HERSELF FROM PARTICIPATION IN THAT MATTER UNLESS AN AUTHORIZATION IS OBTAINED.**

“COVERED RELATIONSHIPS” INCLUDE:

- **A PERSON WITH WHOM THE EMPLOYEE HAS OR SEEKS A BUSINESS OR FINANCIAL RELATIONSHIP OTHER THAN ROUTINE CONSUMER TRANSACTION**
- **A PERSON WHO IS A MEMBER OF THE EMPLOYEE’S HOUSEHOLD OR WHO IS A RELATIVE WITH WHOM THE EMPLOYEE HAS A CLOSE PERSONAL RELATIONSHIP**
- **A PERSON FOR WHOM THE EMPLOYEE’S SPOUSE, PARENT, OR DEPENDENT CHILD IS SERVING OR SEEKING TO SERVE AS AN OFFICER, DIRECTOR, TRUSTEE, GENERAL PARTNER, AGENT, ATTORNEY, CONSULTANT, CONTRACTOR, OR EMPLOYEE**
- **ANY PERSON FOR WHOM THE EMPLOYEE HAS WITHIN THE LAST YEAR SERVED AS OFFICER, DIRECTOR, TRUSTEE, GENERAL PARTNER, AGENT, ATTORNEY, CONSULTANT, CONTRACTOR, OR EMPLOYEE**
- **AN ORGANIZATION IN WHICH THE EMPLOYEE IS AN ACTIVE PARTICIPANT (E.G. OFFICER, FUNDRAISING COORDINATOR)**

SEEKING OTHER EMPLOYMENT

- **AN EMPLOYEE WHO IS “SEEKING EMPLOYMENT” OR WHO HAS AN ARRANGEMENT CONCERNING PROSPECTIVE EMPLOYMENT MUST DISQUALIFY HIMSELF IN ADVANCE FROM TAKING OFFICIAL ACTION IN MATTERS AFFECTING THE FINANCIAL INTERESTS OF THE PROSPECTIVE EMPLOYERS**
- **AN EMPLOYEE IS “SEEKING EMPLOYMENT” WHEN:**
 - **ENGAGED IN NEGOTIATIONS**
 - **MAKING UNSOLICITED EMPLOYMENT CONTACTS, INCLUDING SENDING A RESUME TO A PERSON AFFECTED BY THE EMPLOYEES PERFORMANCE OR NONPERFORMANCE OF DUTIES**
 - **MAKING A RESPONSE OTHER THAN REJECTION TO AN UNSOLICITED PROPOSAL**
- **AN EMPLOYEE IS NO LONGER “SEEKING EMPLOYMENT” WHEN:**
 - **EITHER PARTY REJECTS THE POSSIBILITY OF EMPLOYMENT AND ALL DISCUSSIONS HAVE TERMINATED**
 - **TWO MONTHS HAVE PASSED AFTER MASS MAILING AND NO RESPONSE**

OUTSIDE ACTIVITIES AND EMPLOYMENT

- **CONFLICTING OUTSIDE EMPLOYMENT AND ACTIVITIES**
 - **REQUIRE DISQUALIFICATION FROM MATTERS SO CENTRAL OR CRITICAL TO AN EMPLOYEE'S DUTIES**
- **PRIOR AGENCY APPROVAL**
 - **FINANCIAL DISCLOSURE FILERS WORKING FOR PROHIBITED SOURCES MUST OBTAIN APPROVAL FROM AGENCY DESIGNEE**
- **TEACHING, SPEAKING, AND WRITING**
 - **NO COMPENSATION IF RELATED TO AN EMPLOYEE'S DUTIES**
 - **EXCEPTION FOR TEACHING CERTAIN COURSES**

MISUSE OF POSITION

- **USE OF PUBLIC OFFICE FOR PRIVATE GAIN OF EMPLOYEE OR ANOTHER**
 - **INDUCEMENT OR COERCION OF BENEFITS**
 - **IMPLY GOVERNMENTAL SANCTION**
 - **LETTERS OF RECOMMENDATION**
 - **ENDORSEMENTS**
 - **USE OF MILITARY RANK IN PERSONAL ACTIVITIES**
- **USE OF NONPUBLIC INFORMATION**
- **USE OF GOVERNMENT PROPERTY**

DOD JOINT ETHICS REGULATION

- 1. DEFINITIONS AND RESPONSIBILITIES**
- 2. STANDARDS OF CONDUCT, PLUS DOD
SUPPLEMENT**
- 3. PARTICIPATION IN NON-FEDERAL ENTITIES**
- 4. TRAVEL**
- 5. CONFLICTS OF INTEREST**
- 6. POLITICAL ACTIVITIES**

DOD JOINT ETHICS REGULATION CONT'D

7. FINANCIAL DISCLOSURE

8. SEEKING EMPLOYMENT

9. POST-GOVERNMENT EMPLOYMENT

10. ENFORCEMENT

11. TRAINING

12. ETHICAL DECISION-MAKING